

GOVERNOR KITCHIN WILL NOT ADVISE GENERAL ASSEMBLY TO REVISE RAILROAD RATES

Refuses Requests of Office After Eight Days' Consideration.

THINKS TRIAL OF RATE INSUFFICIENT

Urges That It Be Given Trial Under Normal Conditions.

(Special to The Citizen.) RALEIGH, Jan. 30.—A three-hour conference today between Governor Kitchin, state officers and officials of the several railroad companies regarding the railroad passenger rate situation resulted in no progress, so far as any agreement for concerted action to procure legislation at this session that would allow the corporation commission or other state tribunal to investigate and readjust the rates if shown by the railroads to be too low, after the trial year ending April 1, is concerned.

It developed that Governor Kitchin will oppose any movement whatsoever at this time to re-open the question of passenger rates, and that if there is any movement at this session, the railroad companies will have to take the initiative and procure the introduction of the bill to empower the commission to pass on the rates after some fixed period within the next two years and try getting it through the legislature in spite of the opposition of Governor Kitchin.

Parties to the conference were Governor Kitchin, Senator J. S. Manning, Speaker A. W. Graham, Chairman McNeill of the corporation commission, Attorney-General T. W. Fyckett, on the part of the state, and Presidents W. W. Finley of the Southern and T. M. Emerson of the Atlantic Coast Line, Chief Executive W. A. Marrett of the Seaboard Air Line, General Counsel A. P. Thom of the Southern and First Vice President A. B. Andrews of the Southern.

Mr. Finley opened the conference with a statement of the attitude of the railroad companies, which he feared the governor had misunderstood. They were not asking that this conference consider the reasonableness of the present passenger rates at all, but the whole desire of the railroad companies at this time is to have the present legislature to provide some means whereby the railroad companies can obtain relief in the event it is shown, after the end of the trial year, that the rates are unjust, and not leave the railroads powerless to have a hearing in state tribunals and compel recourse to outside court if relief seemed necessary for the preservation of the properties.

The agreement with the state had been for one year's trial, and if this legislature did not take action it would mean the state forcing a three-year trial instead of one. All the railroads want is that the state provide for them to seek relief in state tribunals in the event this was found to be necessary. He said his associates hoped sincerely that this would not be necessary and that the present 2 1/2 cent rate would in the end prove reasonably remunerative.

Governor Kitchin, in reply, said he, along with many people had gathered the idea that the railroad companies had receded from their compromise requirement for the one year trial period, that feature of the compromise having been struck out with the approval of the railroad companies.

Mr. Finley explained that he, in his great desire for an adjustment at this time the compromise was pending, had only expressed his personal inclination to waive the stipulation of the "trial period," but that he had not conferred with officials of any other railroads interested.

Conditions Not Normal. Governor Kitchin said the great difficulty of the situation as he saw it, was that the past year had been one of unusual depression and not a fair test of the fairness of the rates under normal business conditions.

(Continued on page three.)

WEAVER PUTS IN THREE BILLS FOR ASHEVILLE

Were Adopted by Aldermen and Sent to Him For Introduction.

PERPETUATE LIFE OF DANIEL BOONE

Bills for Commission for This Purpose Introduced in Both Branches.

(Special to the Citizen.)

RALEIGH, Jan. 29.—Representative Weaver, of Buncombe county, introduced in the house a bill to amend the charter of Asheville and another to aid in the development of the city of Asheville in allowing the application of one per cent of the city taxes to be expended in advertising the city. Mr. Weaver also put in the bill designed to empower the city of Asheville to purchase the Auditorium property.

The Harshaw bill for election of county schools by the people was made a special order for next Thursday.

Bills were introduced in both branches for the creation of an historical commission to perpetuate the history of Daniel Boone, the great North Carolinian, by Senator Kluttz and Representative McCrory.

The house passed the joint resolution to petition congress to help in constructing post roads in North Carolina.

Important agricultural bills passed by the lower branch were those by Mr. Currie, to abolish the crop pest commission and turn its duties over to the board of agriculture, the act recommended by the convention of commissioners of agriculture of the Southern states regulating the registration and sale of concentrated commercial feeding stuffs.

Mr. Cannon's bill, requiring depositors to notify banks of forged or raised checks within three months after receiving the cancelled check in order to get the benefit of the bank's liability, went through its reading.

Child Labor. One Wednesday, February 2, the joint commission on child labor will hear the cotton mill men on the child labor question.

The senate passed the house bill which allows the governor to sue directly in the United States supreme court in actions involving the boundary line between North Carolina and Tennessee in the Smoky Mountain region so that each case may be finally settled.

The Public Service company, of Greensboro, was incorporated by the upper branch.

It will consolidate three corporations and build an electric railway from Greensboro to High Point.

A bill introduced by Senator Manning requires fire and casualty insurance companies to deposit approved securities or cash to an amount equal to five per cent of the capital stock with the insurance commissioner, who shall compel each company to make good any depreciation or reduction in value of securities and on December 1 to examine the bill for that purpose.

Money so deposited to be delivered by the insurance commissioner for safe keeping to the state treasurer. The law now requires life companies to deposit cash or securities with the insurance commissioner. It is understood that practically all of the home-companies approve Senator Manning's bill.

A Stranger in Our Midst



MR. TAFT VISITS PRESIDENT OBALDIA

Gives Toast to President-elect as Long Friend of Panama.

(By Associated Press.)

PANAMA, Jan. 30.—President-elect Taft visited President Obaldia at the palace today, the party including the American and British ministers and the officials of the Panama government. At the luncheon which was served President Obaldia gave a toast to Mr. Taft, as the long time friend of Panama. An official ball will be given at the palace in honor of Mr. Taft next week.

Mr. Taft met the Women's club this afternoon at the Tivoli hotel. He will receive the British minister, C. Malet, tomorrow. One of the questions which Mr. Taft will investigate is that relating to the merchants' complaints against the commissary system, which is dealt with in the new treaty.

Lieut.-Col. Goethals, the chief engineer, will proceed to Washington with the special civil engineers now here to explain his estimates on canal construction to congress. Mr. Taft will sail from here on February 2, and if his engineers have not completed their work by that time they will delay their departure for a few days.

Today the engineers examined the locks on the Pacific side and expressed gratification at the rapid work. They will examine the Gatun dam tomorrow.

WIRELESS SAVES LINER HAMILTON

Five Minutes After Collision With Car Barge Tugs Had Started for Scene.

(By Associated Press.)

NOFFOLK, VA., Jan. 29.—The inestimable value of wireless telegraphy was again demonstrated tonight in Hampton Roads when a message flashed through the air, telling of the collision of the old Dominion liner, Hamilton, with a car barge of the New York, Philadelphia and Norfolk Railroad, and asking for assistance. Within five minutes tugs were enroute to the scene, and the Hamilton, badly battered but afloat, was towed to her pier, reaching here at 9 p.m.

The collision occurred off old Point Comfort. The extent of the damage to the liner is not known, although she was rendered helpless and has shipped considerable water forward. The barge was little damaged, and the loss of six freight cars which were knocked overboard. There were over two score passengers bound for New York aboard the Hamilton. It is said they were in no danger, although the officials of the company are silent as to the extent of the damage. The hole in the bow, on the port side just above the water-line is six or seven feet in diameter. The Hamilton sailed for New York at 7 p.m.

She reached her wharf in tow of two tugs at 9:30.

REPUBLIC HEROES START FOR ENGLAND

(By Associated Press.)

NEW YORK, Jan. 29.—When the White Star liner Baltic left her pier this afternoon on her voyage to England she carried with her Captain Sealby and Wireless Operator Binns of the steamer Republic, heroes of the disaster on the Nantucket Shoals a week ago today.

Operator Binns said that he had received several lucrative offers to appear on the vaudeville stage in this country, but had refused them. "I don't want to appear as a tin god," said Binns.

COMMISSIONER SHOWS SYSTEM OF HIS OFFICE

Mr. Young Defends Himself Against Charges of Committee.

EXPLAINS WHY SAFE COULDN'T BE OPENED

Says It Was an Old One and Hasn't Been Opened Yet.

(Special to The Citizen.)

RALEIGH, N. C., Jan. 29.—To a Citizen representative, State Commissioner of Insurance Young this morning reiterated his statement made yesterday before the special committee to the effect that the somewhat severe criticism of his department made by the legislative committee of 1907 had been inspired by his (Mr. Young's) enemies. Mr. Young declared with some feeling that he courted the fullest and most sweeping investigation of every detail of his department by the special committee now sitting in judgment on the old committee's report.

Being asked about the locked safe incident, when the combination of the safe in his office failed to work at a time when the special investigating committee desired to examine certain securities offered by certain insurance companies, Mr. Young said the safe was a second hand one which he had purchased but a short time before. The combination had expired half of the securities when an installment for lunch was taken and not wishing to leave the committee lying up and put them in the safe in question.

"After lunch," continued Mr. Young, "I came into my office to get those securities when I found that the combination refused to work. I told the committee I could not open the safe, and that if anyone else could not do so they should try. The safe has not been opened since that time three weeks ago. We will have to employ an expert to open it."

Other matters which had been discussed by the investigating committee were explained by Commissioner Young in a brief review. Asked about the alleged vest pocket system of bookkeeping, the commissioner showed the system which the book which has been criticized. It is a very simple long and four inches wide of the kind which is bought for twenty-five cents. The entries were made in pencil, shown to the various securities held by Mr. Young. Every entry ever given him was recorded and the commissioner said:

Mr. Young said that he had asked successive bookkeepers for assistance in his office, but had not been granted. He was willing to make any improvement in the way of bookkeeping which the committee might suggest. He was not familiar with the double entry system. All his records had been kept by single entry, most of the work being done by himself. He had nothing to fear, nothing to hide. Mr. Young believes that the recent report of the 1907 committee does himself and the state of North Carolina a great injustice. He demands that all rights be turned on.

ALLEGED SLAYER STILL AT LARGE

(By Associated Press.)

RALEIGH, N. C., Jan. 29.—J. B. Walker, alleged slayer of Sheriff Starn of Brunswick county, who knocked down the jailer and escaped last night, is still at large, despite the vigilance of the officers of Brunswick and New Hanover counties.

ZAYAS VICTORIOUS IN CUBAN CLASH

Vice-President Threatened to Resign Because of Appointment, It Is Believed.

(By Associated Press.)

HAVANA, Jan. 30.—The first serious clash between President Gomez and Vice-President Zayas which occurred yesterday when the proposal was made to appoint Ricardo Arnauz chief of the secret police in place of Jose Jerez, who resigned upon demand of Secretary of Government, Alherdi, has resulted in a victory for Senor Zayas, who it is believed presented an ultimatum that he would immediately resign if the obnoxious appointment was made.

Yielding to the urgent remonstrances and threats of the vice president and a storm of protests from all quarters, President Gomez tonight announced he would appoint Jose Ugarte chief.

Shortly before this the president stated he had never received any application for the appointment of Senor Arnauz to the secretary of government, whose function it was to make such recommendation. Secretary Alherdi said yesterday that he had made such recommendation and that Arnauz's appointment practically had been effected. It was this statement that precipitated dramatic action on the part of Zayas, whose resignation, together with half of the cabinet, would have followed had not Arnauz's name been withdrawn. To what extent cordial relations have been re-established between the president and vice president is unknown, but Senor Zayas is believed to be satisfied with the appointment of Senor Ugarte.

Much relief is expressed that the threatened feud between General Gomez and Senor Zayas has been averted.

UNTRUE REPORTS OF EARTHQUAKE

Slight Shock in Totana, Spain, But No Serious Damage Is Done.

(By Associated Press.)

MADRID, Jan. 29.—All communications with southern Spain and with other parts of the peninsula is interrupted and normal and the reports emanating from England relative to a disastrous earthquake and tidal waves are untrue.

There was a slight earth shock at Totana in the province of Murcia, but no serious damage was done. The walls of only a few houses were cracked. Slight shocks were also felt in the neighboring village of Ollaga.

At both Totana and Ollaga the inhabitants had panic stricken by the suburbs feeling that a disaster was upon them such as devastated Messina Italy.

REMOVAL OF JUROR DESIRED, IS THE CHARGE

Attorney Garner Says That Cooper Defense Wants Removal at All Costs.

CAUSED RUMOR OF ILLNESS, HE SAYS

Over Hundred Talesmen Examined and Not a Juror Is Chosen.

(By Associated Press.)

NASHVILLE, Tenn., Jan. 30.—There was a very brief but sensational session of court today in the trial of Col. Duncan B. Cooper, Iolan Cooper and John D. Sharp, charged with the murder of former Senator E. W. Carmack.

The trouble began after a hundred or more talesmen had been examined and not a juror secured. The venire was exhausted, and the court announced that the new one would not be available until Tuesday. Then he took up the question whether Juror J. M. Whitworth was physically able to continue in the case. Whitworth was called to the stand this morning and testified that he felt pretty well. Judge Hart then said that as Whitworth had an organic disease which might terminate fatally at any time, thus causing a mistrial, the court felt inclined to avoid the chance by excusing the juror. The state objected strenuously, and in the midst of the discussion Attorney Garner of the prosecution threw the verbal bombshell.

"We have information," he declared, "that the defense has given it out that at all costs Whitworth must be removed from this jury. We have information that men were sent to Mrs. Whitworth to say that a physician had examined her husband and declared he was in a precarious condition. It was on this information that Mrs. Whitworth acted."

The entire body of counsel for the defense was on its feet in a second, demanding for the juror, protesting innocence and denouncing the charge. The court rapped them into silence and remarked:

"This is a serious charge, and if there is anything like it going on, the court wants to know it."

Second Letter. Garner hastened to say that he had no information that counsel for the defense had knowledge of the plot. He went on to say that he based his charges on information which he had not had time to verify, but he added that he also had information that Mrs. Whitworth had written a second letter to the court, saying she did not wish her husband excused unless he wished it.

"The same woman sent in a second letter," remarked the judge, "in a chilly manner, possibly you can tell me where it is or who took it from my desk. I had merely glanced at it and intended to bring it to your attention, but it appears that some one has relieved me of that duty."

The state explained it got its information from the man to whom Mrs. Whitworth entrusted the letter, and was convinced of any connection with his disappearance. Judge Hart declared that he would investigate the charges carefully. He said he could first summon an eminent physician, have him examine Juror Whitworth and report at 9 a. m. Monday.

HIGHER TARIFF SURE ON LIFE'S NECESSARIES

Bill for Reduction on Lumber, Etc., But Raise on Necessaries, Says Trv.

HUNDRED OFFICIAL PROTESTS FILED

Smaller Manufacturers Declare Some of Tariffs Simply Benefit Trusts.

(Special Correspondent of The Citizen.)

WASHINGTON, Jan. 30.—While it is practically assured the ways and means committee of congress will report a bill for the removal or great reduction of duties on lumber, wood pulp, steel, coal, paper and works of art, there will be a higher instead of lower tariff on the bulk of necessities of life. At least there is now a strong tip out to this effect.

The bill, according to good authority, will be drawn on the principle of a maximum and minimum tariff, with the Dingley rates as the minimum rates on most articles not enumerated.

Assurances have quietly gone out to those big manufacturers who let the impression get out among their employees just about election time that they might be compelled to close down or lay off men in the event of a democratic victory, that they need feel no apprehension as to the action that will be taken by the ways and means committee. Therefore those concerns having monopolies of certain commodities—outside of lumber, wood pulp, steel, coal and paper—are not worrying. They have the tip pretty straight the disposition of the committee is to advance rather than reduce duties, to increase rather than diminish protection. It is strongly rumored the maximum rates will be from 10 to 25 per cent higher than the present schedules, and the president will be authorized to apply them to imports from countries which discriminate against American merchandise, and particularly our agricultural products.

Many Protest. If the committee persists in its alleged present intention of raising the tariff on most of the necessities, it will be in defiance of no less than 100 protests that are on file, as the reports of the committee's hearings contain that many letters from the smaller manufacturers, who declare that some of the tariffs simply benefit the trusts and not the workmen or consumer.

On the other hand, there are many letters which purport to show that some of the existing tariffs are not too high, and should therefore be maintained.

In a number of instances reports by mercantile firms and individuals, on the same commodity, contradict each other decisively. Very often reputable merchants have written letters to the committee charging that testimony submitted by others dealers in their lines was absolutely false.

Further the committee makes a re-education of the duty on hides and sole leather, there is likelihood the shoemakers will place the blame on the best trust. Members of the National Shoe Manufacturing association are asserting here in Washington that the makers alone reap the profit from a 15 per cent tariff on sole leather and hides. The retailer, the manufacturer and the wearer of shoes, they declare, are compelled to pay an increased price for the finished product in order to pay this tribute to the Chicago packers, who are credited with controlling the hide business of the country.

At first it was claimed the farmers and cattle raisers would be benefited by the protective tariff, but that falls has been exploded," says Harry S. Lee of the Seitz-Schwab Shoe company. "The best pickers do not buy hides for the hides, and the price they pay to the cattle raiser is not influenced by any consideration of the value of the hides. The tariff on hides protects no one but the beef trust and it is not claimed by any one."

(Continued on page four.)

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AERIAL NAVIGATION DISCUSSED BY HOUSE OF REPRESENTATIVES

(By Associated Press.)

WASHINGTON, Jan. 29.—Aero-nautics occupied much of the time of the house today in connection with the consideration of the arms appropriation bill, to which \$500,000 was added for balloons. The advisability of appropriating for army balloons was first considered.

The burden of the arguments in support of the balloon provision was that balloons had now become a part of an efficient army while some of the opponents maintained that balloons were not used in the Russo-Japanese war, the Spanish-American war and the Boer war. Mr. Mason insisted that balloons had played no considerable part in warfare. His statement was controverted by Mr. Cockeran of New York, who said that a balloon performed a signal part in the war between France and Germany, when M. Gambetta escaped from

Paris by such means and organized the national defense.

Mr. Mason of Illinois, in favor of the balloon provision, pointed to the sinking of the Republic and said that no one could have cited ten days ago any case where wireless telegraphy had saved hundreds of lives through shipwreck. "The time for citing the case in reference to balloons," he said, "will come after they have saved hundreds of millions of dollars and may be hundreds of thousands of lives and possibly a great deal more."

By a vote of 78 to 55 the Hull amendment providing for the balloon appropriation was adopted, the announcement being greeted with applause. Except with respect to the appropriation for aeronautical experimentation, the bill was not amended in any important particular. It still was pending when the house adjourned.

CASE ORIGINATES IN LYNCHING OF NEGRO FOR CRIMINAL ASSAULT

(By Associated Press.)

WASHINGTON, Jan. 29.—The argument stage in the contempt case against Sheriff John P. Shipp of Hamilton county Tennessee, and nine others pending in the supreme court of the United States will be reached in a little more than a month.

When it first came into existence in 1902, or a negro named Ed Johnson, interest.

The case originated in the lynching in Chattanooga, Tenn., in March, 1905, of a negro named Ed Johnson, who had been found guilty of criminal assault by the state courts and sentenced to the death penalty. At the instance of Justice Harlan the supreme court took cognizance of Johnson's case, and the announcement of the fact that it had done so was followed that night by the hanging of the negro by a mob, which took

him from the county jail. An investigation of the crime by the department of justice resulted in contempt proceedings against the sheriff and 26 other persons, some accused of actual participation in the lynching, and others, including the sheriff, of complicity in failing to take steps to prevent it. Deputy Clerk Maher of the supreme court was appointed a commissioner to take testimony in the case, and upon his representations 17 of the men against whom the original charge was made were discharged a few weeks ago. This action by the court left only ten defendants including the sheriff. The case will be argued for the government by Solicitor-General Hoyt, and it is understood that most of the various defendants will be represented by separate counsel.



WASHINGTON, Jan. 30.—Forecast for North Carolina: Fair and colder Sunday, cold wave in east portion, brisk to high northwest winds; Monday fair, continued cold.